

86<sup>th</sup> Legislative Session – 2011

Committee: Senate Local Government

Monday, February 07, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Bradford  
P Hunhoff (Jean)  
P Lederman  
P Nelson (Tom)  
P Tieszen  
P Holien, Vice-Chair  
P Schlekeway, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Todd Schlekeway, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 2, 2011

Moved by: Holien  
Second by: Hunhoff (Jean)  
Action: Prevailed by voice vote.

SB 84: revise certain provisions regarding administrative penalties when filing campaign finance disclosure statements and to create the election education and compliance fund.

Presented by: Senator Deb Peters  
Proponents: Jason Gant, Secretary of State

MOTION: AMEND SB 84

84oa

On page 1, line 14, of the printed bill, before "election" insert "following manner: fifty percent

of the penalty in the state general fund and fifty percent of the penalty in the".

Moved by: Lederman  
Second by: Tieszen  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 84

84ta

On page 1, line 13, of the printed bill, remove the overstrikes from "~~state~~".

On page 1, line 14, remove the overstrikes from "~~general fund~~".

On page 1, line 15, delete "election education and compliance fund created by section 2 of this Act".

Moved by: Hunhoff (Jean)  
Second by: Bradford  
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Tieszen, Holien

Voting No: Lederman, Nelson (Tom), Schlekeway

MOTION: DO PASS SB 84 AS AMENDED

Moved by: Hunhoff (Jean)  
Second by: Bradford  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Lederman, Nelson (Tom), Tieszen, Holien, Schlekeway

SB 109: authorize the secretary of state to promulgate rules concerning lobbyist registration fees and to impose a penalty for the failure to timely file lobbyist or lobbyist employer reports.

Presented by: Senator Dan Lederman  
Proponents: Jason Gant, Secretary of State

MOTION: AMEND SB 109

109fb

On page 1, line 9, of the printed bill, delete "one hundred" and insert "sixty-five dollars. The first forty dollars of each annual registration fee shall be deposited in the general fund. Any amount for the annual registration fee that exceeds forty dollars shall be deposited in the technology fund created pursuant to section 4 of this Act.".

On page 1, delete lines 10 and 11.

On page 2, between lines 11 and 12, insert "If a person has been authorized to act as a lobbyist on behalf of an employer pursuant to § 2-12-4, but the lobbyist does not conduct any lobbying activities pursuant to § 2-12-1 nor acts in any manner as a lobbyist in connection with representing that employer, a report is not required to be filed under this chapter.".

On page 2, line 15, delete "election education and compliance" and insert "technology".

On page 2, after line 16, insert:

" Section 3. That § 2-12-12 be repealed.

~~— 2-12-12. Any person employed as a lobbyist who is convicted of a failure to comply with any provision of this chapter, or of acting as a lobbyist contrary to the provisions of this chapter shall be disbarred from acting in the capacity of lobbyist for three years following the date of such conviction. — The attorney general or the state's attorney of the county where the violation is alleged to have been committed shall bring prosecutions for the violation of the provisions of this chapter.~~

Section 4. There is hereby created within the state treasury the technology fund to be administered by the Office of the Secretary of State. All moneys in the technology fund are subject to appropriation by the Legislature through the General Appropriations Act or special appropriations. Any interest earned on money in the fund shall be credited to the fund."

Moved by: Nelson (Tom)  
Second by: Lederman  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 109

109ta

On page 1, line 9, of the printed bill, delete "one hundred" and insert "sixty-five dollars. The first forty dollars of each annual registration fee shall be deposited in the general fund. Any amount for the annual registration fee that exceeds forty dollars shall be deposited in the technology fund created pursuant to section 4 of this Act.".

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Moved by: Hunhoff (Jean)  
Second by: Bradford  
Action: Failed by roll call vote. (3-4-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Tieszen

Voting No: Lederman, Nelson (Tom), Holien, Schlekeway

THE MOTION TO AMEND SB 109

109fb

On page 1, line 9, of the printed bill, delete "one hundred" and insert "sixty-five dollars. The first forty dollars of each annual registration fee shall be deposited in the general fund. Any amount for the annual registration fee that exceeds forty dollars shall be deposited in the technology fund created pursuant to section 4 of this Act.".

On page 1, delete lines 10 and 11.

On page 2, between lines 11 and 12, insert "If a person has been authorized to act as a lobbyist on behalf of an employer pursuant to § 2-12-4, but the lobbyist does not conduct any lobbying activities pursuant to § 2-12-1 nor acts in any manner as a lobbyist in connection with representing that employer, a report is not required to be filed under this chapter.".

On page 2, line 15, delete "election education and compliance" and insert "technology".

On page 2, after line 16, insert:

" Section 3. That § 2-12-12 be repealed.

~~— 2-12-12. Any person employed as a lobbyist who is convicted of a failure to comply with any provision of this chapter, or of acting as a lobbyist contrary to the provisions of this chapter shall be disbarred from acting in the capacity of lobbyist for three years following the date of such conviction.  
— The attorney general or the state's attorney of the county where the violation is alleged to have been committed shall bring prosecutions for the violation of the provisions of this chapter.~~

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Moved by: Nelson (Tom)  
Second by: Holien  
Action: PREVAILED BY ROLL CALL VOTE. (5-2-0-0)

Voting Yes: Lederman, Nelson (Tom), Tieszen, Holien, Schlekeway

Voting No: Bradford, Hunhoff (Jean)

MOTION: DO PASS SB 109 AS AMENDED

Moved by: Lederman  
Second by: Nelson (Tom)  
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Lederman, Nelson (Tom), Holien, Schlekeway

Voting No: Bradford, Hunhoff (Jean), Tieszen

MOTION: AMEND TITLE OF SB 109

109ftb

On page 1, line 2, of the printed bill, delete "and" and insert ", ".

On page 1, line 3, after "reports" insert ", to repeal certain provisions concerning lobbyists who fail to comply with certain requirements, and to create a technology fund."

Moved by: Lederman  
Second by: Nelson (Tom)  
Action: Prevailed by voice vote.

Gavel passed to Vice Chair Holien

SB 130: provide a procedure for the Secretary of State to conduct certain local elections when an emergency exists.

Presented by: Senator Todd Schlekeway  
Proponents: Jason Gant, Secretary of State

MOTION: AMEND SB 130

130fa

On page 1 of the printed bill, delete lines 6 to 11, inclusive.

On page 1, after line 5, insert:  
"

If the person charged with the conduct of an election and the governing board determine that an election cannot be conducted, the person charged with the conduct of an election shall sign a declaration of emergency and deliver it to the secretary of state prior to the election. The secretary of state may conduct the election for that county or political subdivision until the election has been certified. Any reasonable expenses incurred by the secretary of state to conduct the election shall be reimbursed by the county or political subdivision within ninety days after the election has been certified."

Moved by: Bradford  
Second by: Tieszen  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 130 AS AMENDED

Moved by: Lederman  
Second by: Schlekeway  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Lederman, Nelson (Tom), Tieszen, Holien, Schlekeway

Gavel passed to Chair Schlekeway

SB 113: revise certain provisions regarding the notice requirements for changes in zoning requested by landowners.

Presented by: Senator Jean Hunhoff  
Proponents: Pat Garrity, Yankton Cpunty, Yankton

MOTION: DO PASS SB 113

Moved by: Nelson (Tom)  
Second by: Lederman  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Lederman, Nelson (Tom), Tieszen, Holien, Schlekeway

MOTION: PLACE SB 113 ON CONSENT CALENDAR

Moved by: Tieszen  
Second by: Holien  
Action: Prevailed by voice vote.

SB 68: authorize investment of certain public funds in bonds issued by political subdivisions or agencies of the state.

Presented by: Senator Bob Gray  
Proponents: Toby Morris, Northland Securities, Pierre  
Yvonne Taylor, SD Municipal League  
Bob Wilcox, SD Association of County Commissioners  
Doug Hajek, Self Rapid City

MOTION: DO PASS SB 68

Moved by: Hunhoff (Jean)

Second by: Lederman  
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Hunhoff (Jean), Lederman, Nelson (Tom), Tieszen, Holien, Schlekeway

Voting No: Bradford

SB 95: provide for the printing of voting rights notices.

Presented by: Senator Ryan Maher  
Proponents: Jason Gant, Secretary of State  
Carrie Gonsor, SD Assn of County Officials

MOTION: DO PASS SB 95

Moved by: Lederman  
Second by: Holien  
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Hunhoff (Jean), Lederman, Nelson (Tom), Tieszen, Holien, Schlekeway

Voting No: Bradford

MOTION: ADJOURN

Moved by: Bradford  
Second by: Lederman  
Action: Prevailed by voice vote.

Jeanette Black  
Committee Secretary

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Todd Schlekeway, Chair